

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION FOR IMMEDIATE ACCESS TO
NON-PUBLIC INFORMATION IDENTIFIED
AS USPS-LR-N2012-1/NP14 and NP15
(March 8, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access the following Postal Service Library References:

- USPS-LR-N2012-1/NP14 Non-Public "All Sources" Quantitative Market Research Materials
- USPS-LR-N012-1/NP15 Material Supporting Responses of Postal Service Witness Martin to Interrogatories of the National Association of Presort Mailers (NAPM/USPS-T6-1-4) (Non-Public)

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP14 on March 6, 2012 accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that materials in this Library Reference consist of postal customer mailing histories and estimates of future mailing behavior, along with "confidential competitive product information of the Postal Service itself."¹ The Postal Service further stated that this material has been filed in the non-public annex of this docket for the same reasons USPS-LR-N2012-1/NP1 is non-public.² The Postal Service submits that this information should not be disclosed to "persons involved in competitive decision-making" and their consultants and attorneys.

¹ Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP14 at 5 (March 6, 2012).

² Id. at 1.

The Postal Service also submitted Library Reference USPS-LR-N2012-1/NP15 on March 6, 2012 along with an Application for Non-public Treatment. In its Application, the Postal Service states that the materials in this Library Reference “consist of data that reveal average daily volumes (ADV) of First-Class Mail (FCM) carried between specific facilities in the Postal Service’s processing network.”³ The Postal Service states that the “data designated as nonpublic consist of commercial information revealing the volumes of First-Class Mail that are currently transported between specific postal mail processing facilities. Additionally, these data also include estimates of the volumes of First-Class Mail that would be transported between specific processing facilities in a hypothetical, rationalized mail processing environment.”⁴ The Postal Service asserts that “[u]nder good business practice, these data would not be disclosed publicly.”⁵ The Postal Service further asserts “that materials filed non-publicly should be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.”⁶

While it is true that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor and poses no risk to the commercial success of the Postal Service. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has been an active participant in this docket. APWU also intends to submit rebuttal testimony. Parties should be entitled to material that has direct bearing on the Postal Service’s conclusions and rationale in the Postal Service’s case to fully evaluate the Postal Service’s plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP14 and NP15 will facilitate

³ Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP15 (March 6, 2012).

⁴ Id. at 2.

⁵ Id.

⁶ Id. at 4.

preparation of our rebuttal case, possible cross examination of postal witnesses and our arguments on brief at the conclusion on this case.

Furthermore, APWU representative, consultants and attorneys have already been granted access to information similar to that provided in USPS-LR-N2012-1/NP14 and USPS-LR-N2012-1/NP15. See POR No. N2012-1/1 (December 14, 2011); POR No. N2012-1/2 (December 22, 2011); POR No. N2012-1/7 (January 20, 2012); POR No. N2012-1/8 (January 25, 2012); POR No. N2012-1/11 (February 7, 2012); POR No. N2012-1/12 (February 12, 2012); POR No. N2012-1/14 (February 21, 2012); POR No. N2012-1/18 (March 1, 2012);

There is limited time before the hearings on the Postal Service direct case are scheduled to occur, therefore, APWU seeks immediate access to this information. APWU believes this is appropriate given the fact that access to non-public information has been routinely granted to the APWU without objection from the Postal Service. Moreover, APWU Counsel has conferred with counsel for the Postal Service and has been told the Postal Service has no objection to APWU representatives, attorneys and consultants accessing the material in USPS-LR-N2012-1/NP14 and NP15.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library References USPS-LR-N2012-1/NP14 and NP15:

Phillip A. Tabbita,
Manager, Negotiation Support and Special Projects
American Postal Workers Union, AFL-CIO

Kathryn Kobe,
Director of Price, Wage and Productivity Analysis ECS, LLC
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Pierre Kacha
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Donald M. Baron
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper
Commonwealth Computer Research, Inc.
Systems Engineer
Decision/Analysis Partners

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion today by email.

As stated above, Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP14 and NP15. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library References N2012-1/NP14 and NP15 to the above named individuals.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP14 and NP15 be immediately granted to the above named individuals.


Respectfully submitted,

Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO

CERTIFICATION

The undersigned represents that:


Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP14** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>American Postal Workers Union, AFL-CIO</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>American Postal Workers Union, AFL-CIO</u>
Signature	<u></u>
Date	<u>March 8, 2011</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP15** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

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Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost & Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn X Kobe</u>
Date	<u>March 7, 2012</u>

CERTIFICATION

The undersigned represents that:

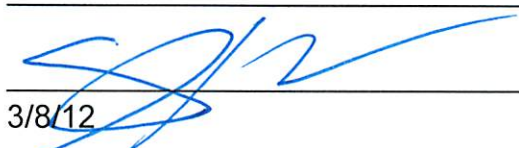
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Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost & Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn L Kobe</u>
Date	<u>March 7, 2012</u>

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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
Signature	
Date	3/8/12

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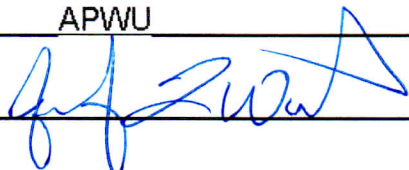
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Name	Darryl J. Anderson
Firm	O'Donnell, Schwartz & Anderson, P.C.
Title	Attorney
Representing	APWU
Signature	
Date	3/8/12

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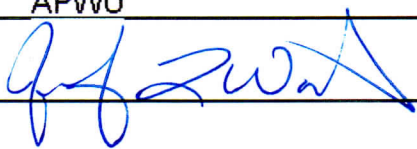
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz & Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>March 7, 2012</u>

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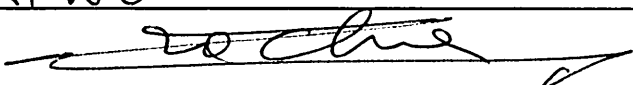
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz & Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>March 7, 2012</u>

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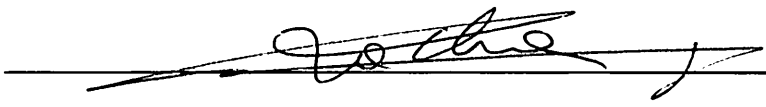
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Name	<u>PIERRE KACHA</u>
Firm	<u>decision/analysis partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>3-6-2012</u>

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Firm	<u>decision/analysis partners</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>2-7-2012</u>

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The undersigned represents that:

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Name

DON BARON

Firm

decision/analysis partners

Title

Consultant

Representing

APWU

Signature

Donald Baron

Date

3/7/2012

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Title

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Representing

APWU

Signature

Donald Baron


Date

3/7/2012

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	Mar. 7, 2012

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	Mar. 7, 2012